EXHIBIT "A"

LAW OFFICES OF ROBERT A. JONES
Filing Attorney: Robert A. Jones, Esq.
Attorney ID# 018871984
354 Eisenhower Parkway
Livingston, NJ 07039
973-994-3030
Attorney for Plaintiff

FILED
CUSTOMER SERVICE TEAM
JUL 09 2014
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #4

TEVIN HENRY, Plaintiff v. JERSEY CITY POLICE DEPARTMENT, CITY OF JERSEY CITY, POLICE CHIEF THOMAS J. COMEY, POLICE SERGEANT S. TROWBRIDGE, POLICE OFFICER WILLIAM COSTIGAN, COUNTY OF HUDSON, HUDSON COUNTY PROSECUTOR'S OFFICE, HUDSON COUNTY SHERIFF'S OFFICE, NEW JERSEY TRANSIT POLICE, STATE OF NEW JERSEY, JOHN DOES 1-20 (being fictitious persons whose identities are currently unknown) and ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown), Defendants	SUPERIOR COURT OF NEW JERSEY LAW DIVISION : HUDSON COUNTY DOCKET NO.: Civil Action L-3041-14 COMPLAINT

Plaintiff, Tevin Henry, residing at 32 Ruby Brown Terrace, Jersey City, New Jersey, by way of Complaint against the Defendants, hereby says:

PARTIES

1. Plaintiff, Tevin Henry is an adult residing at the above address

2. Defendants, Police Chief Thomas J. Comey ("Comey"), Sergeant S. Trowbridge ("Trowbridge"), Police Officer William Costigan ("Costigan"), and John/Jane Does 1-20 were at all times relevant herein duly appointed superior officers, police officers, detectives, supervisors or agents, servants or employees of Defendants,

City of Jersey City and Jersey City Police Department and were acting as agents, servants and/or employees of the aforesaid Defendants. They are sued individually and in their official capacity.

3. At all times mentioned herein, Defendants John Does 1-20 were duly appointed superior officers, supervisors, detectives, officers, or other persons within the Hudson County Prosecutor's office and were acting as agents, servants and employees of the Hudson County Prosecutor's office and Hudson County. They are sued individually and in their official capacity.

4. At all times mentioned herein, Defendants John Does 1-20 were duly appointed superior officers, supervisors, officers, detectives or other agents, servants and employees of Hudson County and the Hudson County Sheriff's Office and were acting as agents, servants and employees of the aforesaid Defendants. They are sued individually and in their official capacity.

5. At all times mentioned herein, Defendants, John Does 1-20 were duly appointed superior officers, supervisors, police officers, detectives or other agents, servants or employees of the New Jersey Transit Police Department and the State of New Jersey and were acting as agents, servants and employees of the aforesaid Defendants. They are sued individually and in their official capacity.

6. At all times mentioned herein, Defendants John Does 1-20 were duly appointed superior officers, supervisors, officers, detectives or other agents, servants and employees of ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown) and were acting as agents, servants and

employees of the aforesaid Defendants. They are sued individually and in their official capacity.

7. Defendants, City of Jersey City, Jersey City Police Department, County of Hudson, Hudson County Prosecutor's Office, Hudson County Sheriff's Office, New Jersey Transit Police, State of New Jersey and ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown) employed the individual Defendants mentioned above as superior officers, supervisors, detectives, officers, and agents, servants or employees of the aforesaid Defendants and are responsible for and vicariously liable for the actions committed herein by the individual Defendants.

8. The aforesaid Defendants are responsible for assuring that the individual officers obey the regulations of the Jersey City Police Department, Hudson County Prosecutor's Office, Hudson County Sheriff's Office, New Jersey Transit Police, ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown) and the laws of the United States and the State of New Jersey.

9. Defendants, Comey, Trowbridge and John Does 1-20 are superior officers, supervisors, officers, detectives, agents, servants or employees of the Jersey City Police Department and the City of Jersey City, who were responsible for hiring, training, supervising, controlling and disciplining all of the individual Defendants involved in the subject incident with Plaintiff on November 1, 2012.

10. Defendants John Does 1-20 are superior officers, supervisors, officers, detectives, agents, servants or employees of the County of Hudson, Hudson County

Prosecutor's Office, Hudson County Sheriff's Office, State of New Jersey, New Jersey Transit Police and/or ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown) who were responsible for hiring training, supervising, controlling and disciplining all of the individual defendants involved in the subject incident with Plaintiff on November 1, 2012.

FIRST COUNT

1. Plaintiff hereby repeats and incorporates herein each and every allegation set forth in the previous paragraphs as if set forth fully herein.

2. On or about November 1, 2012, Plaintiff was the victim of wrongful and illegal conduct by the Defendants.

3. On the aforesaid date, at approximately 9:30 p.m., Plaintiff was riding on his bicycle on Winfield Avenue in the City of Jersey City, New Jersey.

4. Suddenly and without warning, one of the Defendants flashed headlights at the Plaintiff.

5. Plaintiff then heard someone yell freeze.

6. Plaintiff then saw ten (10) to twelve (12) people run towards him.

7. Plaintiff stopped his bicycle, dropped it on the ground and put his hands up.

8. Plaintiff was immediately assaulted by the Defendants.

9. The Defendants pushed his face into the ground and began hitting him with flashlights and night sticks in the face.

10. Defendants twisted his ankles and kicked and stepped on his chest. Defendants placed him in handcuffs but then did not arrest him.

11. While in custody, Defendants searched Plaintiff. After accusing him of possessing a gun, they realized that it was a flashlight. Defendants broke the flashlight.

12. Plaintiff was released a short time later.

13. Plaintiff was subjected to excessive force, brutality and assault and battery by the individual Defendants.

14. As a result of the use of excessive force, brutality and assault and battery, Plaintiff was caused to sustain severe and grievous permanent injuries resulting in damages for which he makes this claim.

15. As a result of the conduct of Defendants, the Plaintiff was deprived of his rights, privileges and immunities secured by the Constitution and Laws of the United States in violation of the 4th and 14th Amendments of the Constitution and 42 U.S.C. §1982, 1983, 1985 and 1988 and in violation of the New Jersey State Constitution and all applicable New Jersey State Laws.

16. The actions of all Defendants as described in this Complaint were performed under color of State Law.

17. The injuries suffered by Plaintiff were caused by Defendants' deliberate indifference to the protection of the rights, privileges and immunities guaranteed by the Constitution of the United States, the Constitution of New Jersey and the laws of the United States and the State of New Jersey.

18. Such indifference consists of the following:

a. Failure to exercise due care under the circumstances;

b. Permitting officers such as the aforesaid individuals to use excessive force under the circumstances;

c. Failure to properly discipline and control officers known to be dangerous and causing harm to citizens of the community;

d. Failure to properly hire, retain, supervise, restrain and train the officers who severely injured Plaintiff.

19. The governmental entities named as Defendants, City of Jersey City, Jersey City Police Department, County of Hudson, Hudson County Prosecutor's office, Hudson County Sheriff's Office, State of New Jersey, New Jersey Transit Police and ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown are directly liable and responsible for the acts of the individual Defendants because they failed to adequately hire, retain, train, supervise, discipline or in any way control the individual Defendants who assaulted Plaintiff, thereby demonstrating a policy of condoning this conduct by police officers and by obligating a policy of using force against people outside their home on the night of November 1, 2012.

WHEREFORE, Plaintiff hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiff repeats and incorporates each and every allegation set forth in the First Count as if set forth fully herein.

2. The aforesaid acts and failures to act by the Defendants were careless, reckless and negligent.

3. As a result thereof, Plaintiff sustained severe and grievous personal injuries resulting in damages for which he makes this claim.

WHEREFORE, Plaintiff hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

THIRD COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in in the First and Second Counts as if fully set forth at length herein.

2. The physical attack of Plaintiff constitutes assault and battery by the Defendants.

3. As a result of the assault and battery, Plaintiff sustained severe and grievous personal injuries resulting in damages for which he makes this claim.

WHEREFORE, Plaintiff, Tevin Henry, hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

FOURTH COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in First, Second and Third Counts as if fully set forth at length herein.

2. Each and every of the Defendants' acts and failures to act as set forth above deprived Plaintiff of his rights and privileges afforded to him under Article I of the New Jersey Constitution.

3. Defendants acts and failures to act as set forth above deprived Plaintiff of his rights to procedural due process under Article I, paragraph 1 of the New Jersey State Constitution. This includes, but is not limited to his right to be free, independent and his right to safety and happiness.

4. The Defendants denied Plaintiff of his civil rights afforded under Article I, paragraph 12 of the New Jersey State Constitution.

5. The Defendants denied Plaintiff of his rights as a victim of a crime as afforded him under Article I, paragraph 22 of the New Jersey State Constitution, which resulted in a violation by Defendants of the New Jersey Constitution and/or the New Jersey Civil Rights Act.

6. As a result of Defendants unconstitutional conduct, Plaintiff sustained severe and grievous personal injuries and emotional anguish and distress resulting in damages for which he makes this claim.

WHEREFORE, Plaintiff, Tevin Henry, hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

FIFTH COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in the First through Fourth Counts as if fully set forth at length herein.

2. Defendants conspired against Plaintiff to deprive him of equal protection of

laws as guaranteed by the State and Federal Constitution by unlawfully detaining him, beating him, arresting him, and then releasing him.

3. In furtherance of that conspiracy, none of the Defendant governmental entities have provided the results of their internal affairs investigation to Plaintiff or his attorney and have not provided the identities of the individual officers involved to the Plaintiff or his attorney.

4. These acts and failures to act were performed under the color of State Law and embodied a policy, practice custom or procedure of the defendant public entities.

5. The acts and failures to act by the Defendants constitute a violation of Plaintiff's constitutional rights pursuant to 42 U.S.C. §1983 et seq.

WHEREFORE, Plaintiff, Tevin Henry, hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

SIXTH COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in the First through Fifth Counts of the Complaint as if fully set forth at length herein.

2. Defendants' acts and failures to act caused Plaintiff to be subject to a state created danger in violation of his substantive due process rights under the United States Constitution and in violation of 42 U.S.C. §1983.

3. Defendants' acts and failures to act were with deliberate indifference to the protection of the rights of Plaintiff.

4. As a result of the Defendants constitutional violations, Plaintiff was caused to sustain severe and grievous personal injuries, deprivation of his constitutional rights

and has sustained damages as a result thereof.

WHEREFORE, Plaintiff, Tevin Henry, hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

SEVENTH COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in the First through Sixth Counts of the Complaint as if fully set forth at length herein.

2. Defendants' acts and failures to act caused Plaintiff to be subject to a state created danger in violation of his substantive due process rights under the New Jersey Constitution and in violation of 42 U.S.C. §1983 and all applicable state laws.

3. Defendants' acts and failures to act were with deliberate indifference to the protection of the rights of Plaintiff.

4. As a result of the Defendants constitutional violations, Plaintiff was caused to sustain severe and grievous personal injuries, deprivation of his constitutional rights and has sustained damages as a result thereof.

WHEREFORE, Plaintiff, Tevin Henry, hereby demands judgment against the Defendants, jointly and severally, for damages, interest, attorney's fees and costs of suit.

EIGHTH COUNT

1. Plaintiff repeats and incorporates all of the allegations set forth in the First through Seventh Counts as if fully set forth at length herein.

2. The acts and failures to act by the Defendants as alleged in the preceding paragraphs constitute intentional misconduct and/or gross negligence which directly caused the harm suffered by Plaintiff.

CERTIFICATION

Pursuant to Rule 4:5-1, I hereby certify that the within matter is not the subject of any other action or arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

I further certify that at this time, I know of no other party that should be joined in this action.

LAW OFFICES OF ROBERT A. JONES
Attorney for Plaintiff

Dated: 7/7/14

By: ______________________
Robert A. Jones

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐CK ☐CG ☐CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME Robert A. Jones	TELEPHONE NUMBER (973) 994-3030	COUNTY OF VENUE Hudson
FIRM NAME (if applicable) Law Offices of Robert A. Jones		DOCKET NUMBER (when available) L-3041-14
OFFICE ADDRESS 354 Eisenhower Parkway Livingston, NJ 07039		DOCUMENT TYPE Complaint
		JURY DEMAND ☒ YES ☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff) Tevin Henry, Plaintiff	CAPTION Tevin Henry vs. Jersey City Police Department, et al
CASE TYPE NUMBER (See reverse side for listing) 005 HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE *N.J.S.A.* 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
RELATED CASES PENDING? ☐ Yes ☒ No	IF YES, LIST DOCKET NUMBERS
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) Self ☐ NONE ☐ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE: [signature]

COUNTY OF HUDSON, NEW JERSEY
OFFICE OF THE COUNTY COUNSEL
DEPARTMENT OF LAW
ADMINISTRATION BUILDING ANNEX
567 PAVONIA AVENUE
JERSEY CITY, NJ 07306
(201) 795-6250
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THOMAS A. DeGISE
COUNTY EXECUTIVE

DONATO J. BATTISTA
COUNTY COUNSEL

MARK E. MORCHEL
DEPUTY COUNTY COUNSEL

LOUIS C. ROSEN
DEPUTY COUNTY COUNSEL

Michael L. Dermody
1st Assistant County Counsel

Neil Carroll, Jr.
John Collins
Daniel DeSalvo
Kathleen M. Grant
Susan McCurrie
Robin Moses
Chanima Odoms
Robert J. Pompliano
Daniel W. Sexton
John Smith, III
Radames Velazquez, Jr.

September 2, 2014

Superior Court Clerk
Brennan Courthouse
583 Newark Avenue
Jersey City, NJ 07306

RE: Tevin Henry v. Jersey City PD, et als
Docket No.: HUD-L-3041-14

Dear Sir/Madam:

Enclosed herewith please find an original and two copies of Answer to Complaint on behalf of the County Defendants in connection with the above referenced matter.

Kindly mark the extra copy "Filed" and return to me in the inter-office envelope provided.

Lastly, kindly apply any filing fees to County Account No. 004-5801.

Very truly yours,

Donato J. Battista
Hudson County Counsel

BY: ______________________
Michael L. Dermody
First Assistant County Counsel

MLD:dmp
cc: Robert A. Jones, Esq.
City of Jersey City/Law
Lisa Puglisi, DAG

DONATO J. BATTISTA
HUDSON COUNTY COUNSEL
ADMINISTRATION BUILDING ANNEX
567 PAVONIA AVENUE
JERSEY CITY, NEW JERSEY 07306
(201) 795-6250
BY: MICHAEL L. DERMODY (ID #02468-1980)
FIRST ASSISTANT COUNTY COUNSEL
ATTORNEY FOR DEFENDANTS, COUNTY OF HUDSON and HUDSON COUNTY SHERIFF'S OFFICE

TEVIN HENRY, **Plaintiff,** **v.** **JERSEY CITY POLICE DEPARTMENT, CITY OF JERSEY CITY, POLICE CHIEF THOMAS J. COMEY, POLICE SERGEANT S. TROWBRIDGE, POLICE OFFICER WILLIAM COSTIGAN, COUNTY OF HUDSON, HUDSON COUNTY PROSECUTOR'S OFFICE, HUDSON COUNTY SHERIFF'S OFFICE, NEW JERSEY TRANSIT POLICE, STATE OF NEW JERSEY, JOHN DOES 1-20 (being fictitious person whose identities are currently unknown) and ABC COS. 1-20 (being fictitious government and/or business entities whose identities are currently unknown),** **Defendants.**	**: SUPERIOR COURT OF NEW JERSEY** **: LAW DIVISION: HUDSON COUNTY** **: DOCKET NO.: HUD-L-3041-14** **CIVIL ACTION** **ANSWER TO COMPLAINT AND JURY DEMAND**

Defendants, County of Hudson and Hudson County Sheriff's Office, by way of Answer to Plaintiff's Complaint says:

PARTIES

1. - 3. Defendants have insufficient information to form a belief to the truth of the allegations in this paragraph of Plaintiff's complaint therefore, they are neither admitted

nor denied.

4. To the extent allegations are made in this paragraph against the County of Hudson, the Hudson County Sheriff's Department, they are denied.

5. - 9. Defendants have insufficient information to form a belief to the truth of the allegations in this paragraph of Plaintiff's complaint therefore, they are neither admitted nor denied.

10. To the extent allegations are made in this paragraph against the County of Hudson, the Hudson County Sheriff's Department, they are denied.

FIRST COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties of Plaintiff's Complaint as if same was set forth at length therein.

2. - 14. Defendants have insufficient information to form a belief to the truth of the allegations in this paragraph of Plaintiff's complaint therefore, they are neither admitted nor denied.

15. - 19. To the extent the allegations in these paragraphs of Plaintiff's complaint are alleged to apply to the County of Hudson and the Hudson County Sheriff's Department, they are denied.

WHEREFORE, the answering Defendants, demand judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

SECOND COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties and the First Count of Plaintiff's Complaint as if same was set forth at length therein

2. - 3. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

THIRD COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, First Count and Second Count,of Plaintiff's Complaint as if same was set forth at length therein

2. - 3. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

FOURTH COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, and First, Second and Third Counts of Plaintiff's Complaint as if

same was set forth at length therein

2. - 6. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

FIFTH COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, and First, Second, Third and Fourth Counts of Plaintiff's Complaint as if same was set forth at length therein

2. - 5. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

SIXTH COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, and First, Second, Third, Fourth and Fifth Counts of Plaintiff's Complaint as if same was set forth at length therein

2. - 4. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

SEVENTH COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, and First, Second, Third, Fourth, Fifth and Sixth Counts of Plaintiff's Complaint as if same was set forth at length therein

2. - 4. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

EIGHTH COUNT

1. Defendants repeat and reallege every answer to Plaintiff's allegations contained in Parties, and First, Second, Third, Fourth, Fifth, Sixth and Seventh Counts of Plaintiff's Complaint as if same was set forth at length therein

2. - 5. To the extent the allegations in these paragraphs of Plaintiff's complaint apply to the answering Defendants, they are denied.

WHEREFORE, the Answering Defendant, demands judgment against the Plaintiff dismissing the Plaintiff's Complaint, for attorneys fees, interest, costs of suit, and such other relief as the Court may deem equitable and just under the circumstances.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint is barred as it fails to state claim upon which relief my be granted.

2. Plaintiff's Complaint is barred as a result of insufficiency of service of process.

3. Defendant is not responsible for the incidents complained of as it was as a result of the negligence of Plaintiff or Third Persons over whom this party has or had no control.

4. Defendants, County of Hudson, and the Hudson County Sheriff's Department deny that they werer negligent, however, and in the event the Defendants are found to have been negligent, their negligence is not greater than the negligence of the Plaintiff's, therefore, barring this claim. In the event the Plaintiff becomes entitled to a recovery, said recovery should be diminished in accordance with the New Jersey Joint Tortfeasors Act and the Comparative Negligence Statutes **N.J.S.A.** 2A:15-1 and **N.J.S.A.** 2A:53A-1, et seq., respectively.

5. This Defendant denies that it was negligent and asserts that its negligence, if any, should be reduced by the percentage of negligence attributable to any other party pursuant to the aforementioned statutes.

6. The Plaintiff's Complaint is barred by the statutes of limitations.

7. This Defendant violated no legal duty owed to anyone.

8. The Plaintiff's Complaint is barred by the failure of the Plaintiff to comply with the provisions of the New Jersey Tort Claim Acts **N.J.S.A.** 59:1-1 et seq.

9. Plaintiff did not sustain any injury.

10. No willfulness or malice was involved in any of the events concerning the factual basis upon which this suit has been instituted.

11. There was no reckless conduct involved in any of the events concerning the factual basis upon which this suit has been instituted.

12. The answering Defendant is immune from liability pursuant to the provisions of N.J.S.A. 59:3-1 et seq.

13. Any action on the part of the answering defendant was in the nature of a discretionary activity within the meaning of N.J.S.A. 59:3-2 and, accordingly, no liability may be imposed upon the answering Defendant.

14. Negligence, if any on the part of the answering Defendant was not the proximate cause of any damages or injuries which may have been sustained by the Plaintiff.

15. Plaintiff's claim is barred as Plaintiff's injuries do not meet the threshold requirements of the New Jersey Tort Claims Act for disfigurement, dismemberment, or loss of a bodily function.

16. There has been no deprivation to Plaintiff of any right, privilege or immunity secured by the constitution or the laws of the United States or the State of New Jersey.

17. The answering Defendant is not liable since it acted in good faith at all times.

18. The answering Defendant is not liable to the Plaintiff because they followed all relevant policies of their employer.

19. The answering Defendant is not liable to the Plaintiff because they are absolutely immune and/or qualifiedly immune.

20. This action is barred by the failure of Plaintiff to exhaust local and administrative remedies.

21. This action is barred as there is no proximate cause between what the answering Defendant did or did not do and the incidents alleged, and Defendants' conduct did not necessarily cause any injury.

22. Whatever the answering Defendant did or did not do was done with proper motive and based on constitutionally acceptable grounds.

23. Plaintiff has received all of the substantive and procedural process due him.

24. The answering Defendants were properly trained and instructed.

25. The answering Defendants owed no duty, as is alleged, to Plaintiff either under general negligence principles, civil rights principles, nor under any provisions of the State or the United States Constitutions.

26. The answering Defendant did not engage in any conspiracy in any manner to deprive Plaintiff of any rights due him under the law.

27. The answering Defendant engaged in no acts of discrimination towards the Plaintiff.

28. The Plaintiff has waived his right to bring this suit or action against the Defendant.

29. The Plaintiff is estopped from proceeding with this alleged cause of action.

30. The answering Defendants did not assault or batter Plaintiff nor did they intentionally inflict emotional distress upon him.

31. This Defendant is not responsible to Plaintiff under the New Jersey Law Against Discrimination for discrimination under the basis of gender or retaliation or race discrimination since this Defendant did not employ the Plaintiff.

32. Plaintiff's complaint is barred under the Federal and State Civil Rights Acts as Plaintiff was not deprived of any right, privilege, or immunity provided by Federal or State Statute or Federal or State Constitutions.

33. Plaintiff's complaint is barred as to the answering Defendant entities as Plaintiff cannot sustain a case of custom and policy as required under the Civil Rights Act and the Monell, case.

34. Plaintiff's complaint is barred under the State and Federal Civil Rights Acts as Plaintiff cannot demonstrate what is required for supervisory liability.

35. Plaintiff's complaint is barred as the Plaintiff has not been deprived of any substantive due process rights under any Federal or State Civil Right Statutes or under Federal or State Constitutional Provisions.

36. Plaintiff's complaint is barred under Federal and State Civil Rights Acts as there was not State created danger.

CLAIMS AND CROSS-CLAIM FOR CONTRIBUTION

1. Defendant, County of Hudson, hereby demands contribution from the Plaintiff and any and all co-Defendants, in accordance with Comparative Negligence and Joint Tortfeasors Contribution Statutes **N.J.S.A.** 2A:15-1 et seq. and **N.J.S.A.** 2A:53A-1 et seq. respectively.

CLAIM AND CROSS-CLAIM FOR INDEMNIFICATION

1. If the Defendant, County of Hudson, become responsible for any judgment, it is hereby asserted that if negligence, if any, was merely constructive, technical, imputed or vicarious and that the primary and responsible negligence was on the part of the Plaintiff and any and all co-defendants.

2. Further, the co-defendants, are obligated by operation of law and contracts expressly and otherwise to indemnify the County and hold them harmless from any claims which are the subject matter of this lawsuit.

WHEREFORE, Defendants, County of Hudson, , demand judgment against the Plaintiff, dismissing any affirmative claims against the County, entering judgment against all parties other than the County, and for attorney fees, interests, costs of suit and such other relief as the Court may deem equitable and just.

JURY DEMAND

Defendants, demand a trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to **R.** 4:25-4, MICHAEL L. DERMODY, is designated as trial counsel for the above captioned matter.

CERTIFICATION R. 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court and is likewise not the subject to any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

Donato J. Battista
Hudson County Counsel

BY: ______________________
Michael L. Dermody
First Assistant County Counsel

Date: September 2, 2014

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐ CK ☐ CG ☐ CA
CHG/CK NO.:
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME: MICHAEL L. DERMODY	TELEPHONE NUMBER: (201) 795-6250	COUNTY OF VENUE: Hudson
FIRM NAME (if applicable): HUDSON COUNTY LAW DEPARTMENT		DOCKET NUMBER (when available): HUD-L-3041-14
OFFICE ADDRESS: 567 PAVONIA AVENUE, JERSEY CITY, NEW JERSEY 07306		DOCUMENT TYPE: ANSWER
		JURY DEMAND ☒ YES ☐ NO
NAME OF PARTY (e.g., John Doe, Plaintiff): COUNTY OF HUDSON and HUDSON COUNTY SHERIFF'S DEPT.	CAPTION: TEVIN HENRY v. JERSEY CITY POLICE DEPARTMENT, et als	
CASE TYPE NUMBER (See reverse side for listing): 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO. IF YOU HAVE CHECKED "YES," SEE *N.J.S.A.* 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known): SELF-INSURED	☐ NONE ☐ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE:

Side 2

CIVIL CASE INFORMATION STATEMENT
(CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery
151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT (debt collection matters only)
505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
506 PIP COVERAGE
510 UM or UIM CLAIM (coverage issues only)
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (summary action)
999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery
305 CONSTRUCTION
509 EMPLOYMENT (other than CEPA or LAD)
599 CONTRACT/COMMERCIAL TRANSACTION
603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
605 PERSONAL INJURY
610 AUTO NEGLIGENCE – PROPERTY DAMAGE
621 UM or UIM CLAIM (includes bodily injury)
699 TORT – OTHER

Track III - 450 days' discovery
005 CIVIL RIGHTS
301 CONDEMNATION
602 ASSAULT AND BATTERY
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery
156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
513 COMPLEX CONSTRUCTION
514 INSURANCE FRAUD
620 FALSE CLAIMS ACT
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)
266 HORMONE REPLACEMENT THERAPY (HRT)
271 ACCUTANE/ISOTRETINOIN
274 RISPERDAL/SEROQUEL/ZYPREXA
278 ZOMETA/AREDIA
279 GADOLINIUM
281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
282 FOSAMAX
284 NUVARING
285 STRYKER TRIDENT HIP IMPLANTS
286 LEVAQUIN
287 YAZ/YASMIN/OCELLA
288 PRUDENTIAL TORT LITIGATION
289 REGLAN
290 POMPTON LAKES ENVIRONMENTAL LITIGATION
291 PELVIC MESH/GYNECARE
292 PELVIC MESH/BARD
293 DEPUY ASR HIP IMPLANT LITIGATION
295 ALLODERM REGENERATIVE TISSUE MATRIX
296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS
297 MIRENA CONTRACEPTIVE DEVICE
601 ASBESTOS
623 PROPECIA

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics.

Please check off each applicable category ☐ **Putative Class Action** ☐ **Title 59**

EXHIBIT "C"

DONATO J. BATTISTA
HUDSON COUNTY COUNSEL
ADMINISTRATION BUILDING ANNEX
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JERSEY CITY, NEW JERSEY 07306
(201) 795-6250
BY: MICHAEL L. DERMODY (2023)
FIRST ASSISTANT COUNTY COUNSEL
ATTORNEY FOR DEFENDANT, DET. MIGUEL MATOS, in his official capacity,

DONTAE L. JOHNSON **Plaintiff,** **v.** **CAPT. KEITH L. STITH, individually and in his capacity as a Police Detective for the Office of the Hudson County Prosecutor; DET. MIGUEL MATOS, individually and in his official capacity as a Police Detective for the Hudson County Prosecutor; GAETANO T. GREGORY, individually and in his official capacity as the Acting Hudson County Prosecutor; the OFFICE OF THE HUDSON COUNTY PROSECUTOR; JOHN DOES 1-25 (fictitious names) individually and in their official capacity as agents of the Hudson County Prosecutor** **Defendants.**	**: UNITED STATES DISTRICT COURT** **: DISTRICT OF NEW JERSEY** **: CIVIL ACTION NO.:** ***Removed from*** ***Superior Court of New Jersey*** ***Hudson County - Law Division*** ***Docket No.: HUD-L-2788-14***

PROOF OF MAILING

The original Notice of Removal on Behalf of Defendant, Det. Miguel Matos, has been filed electronically with the Clerk of the United States District Court, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101.

PROOF OF MAILING: On August 22, 2014, I, the undersigned, mailed the following: Notice of Removal, via regular mail, addressed to Robert A. Jones, Esq., Law Office of Robert A. Jones, 354 Eisenhower Parkway, Livingston, New Jersey 07039, Lisa Puglisi, DAG, State of New Jersey, Division of Law, 25 Market Street, P.O. Box 112, Trenton, New Jersey 08625 and City of Jersey City, Law Department, 280 Grove Street, Jersey City, New Jersey 07302.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made be me are willfully false, I am subject to punishment.

s/Donna M. Picinich
Donna M. Picinich
Legal Assistant to Michael L. Dermody

Dated: September 2, 2014